

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S2/25/19

A Bill

SENATE BILL 83

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE REQUIREMENTS FOR UNSUPERVISED
9 VISITATION; TO ADDRESS THE TIMELY ENTRY OF ORDERS
10 UNDER THE ARKANSAS JUVENILE CODE OF 1989; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14 TO AMEND THE REQUIREMENTS FOR
15 UNSUPERVISED VISITATION; AND TO ADDRESS
16 THE TIMELY ENTRY OF ORDERS UNDER THE
17 ARKANSAS JUVENILE CODE OF 1989.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 9-27-325(p)(2)(A), concerning the
24 petitioner's burden to prove that unsupervised visitation is not in the best
25 interest of a child, is amended to read as follows:

26 (2)(A) A petitioner has the burden of proving at every hearing
27 that unsupervised visitation is not in the best interest of a child.
28

29 SECTION 2. Arkansas Code § 9-27-325(p)(2), concerning a petitioner's
30 burden to prove that unsupervised visitation is not in the best interest of a
31 juvenile, is amended to add additional subdivisions to read as follows:

32 (C)(i) A rebuttable presumption that unsupervised
33 visitation is in the best interest of the juvenile applies at every hearing.

34 (ii) The burden of proof to rebut the presumption is
35 proof by a preponderance of the evidence.

36 (D)(i) If the court orders supervised visitation, the



1 parent from whom custody of the juvenile has been removed shall receive a
2 minimum of four (4) hours of supervised visitation per week.

3 (ii) The court may order less than four (4) hours of
4 supervised visitation if the court determines that the supervised visitation:

5 (a) Is not in the best interest of the
6 juvenile; or

7 (b) Will impose an extreme hardship on one (1)
8 of the parties.

9
10 SECTION 3. Arkansas Code § 9-27-325, concerning hearings held under
11 the Arkansas Juvenile Code of 1989, is amended to add an additional
12 subsection to read as follows:

13 (r)(1) A court shall set a hearing to address the entry of a written
14 order if:

15 (A) The written order is not provided to the court for
16 entry within the time specified under this subchapter; and

17 (B) A party files a motion for a hearing to address the
18 entry of the written order.

19 (2)(A) The court shall conduct a hearing to address the entry of
20 the written order within thirty (30) days from the date on which the motion
21 for a hearing to address the entry of the written order is filed.

22 (B) A hearing to address the entry of a written order may
23 be the next scheduled hearing in the proceeding if the hearing to address the
24 entry of the written order is being held within thirty (30) days from the
25 date on which the motion for a hearing to address the entry of the written
26 order is filed.

27 (C) The court is not required to conduct a hearing to
28 address the entry of a written order if the written order is submitted to the
29 court.

30 (3) The court shall reassign the preparation of the written
31 order as needed.

32
33
34 /s/A. Clark